

BOARD OF SELECTMEN

Minutes of May 29, 2007

Chairman McArdle called the meeting to order at 7:30PM. Board members present were Boyd Jackson, Richard Gandt, Steve Clark, and Richard Carlson. Of the Selectmen's staff Town Administrator Virginia Wilder, & Donna Rich, Board Secretary, were in attendance. Other persons present were Jane Schraffa and Evelyn Hammond of Topsfield Cable. Topsfield citizens were Heidi Bond, representing Street Signs for Scholarships Bid Program, Walter Harmer, Conservation Commission Chair, Lana Spillman, Conservation Commission Agent, Tom Warren & Ralph Stump, Conservation Commissioners, and David Santomenna, Essex County Greenbelt.

At 7:35PM Chairman McArdle welcomed Heidi Bond to address the Board. Mrs. Bond explained that in December she had initiated the Street Signs for Scholarships Program in an effort to creatively eliminate the "old" green street signs as the new maroon signs were being installed. It was announced that residents can participate in the program by placing a bid on "retired streets" listed on the forms which are available at the Gift Horse, New Meadows Market, and Bagel Shop as well as the Town and Public Works web sites. Signs will be awarded to the highest bidders. The winners will be announced at the June 25th Board of Selectmen's meeting. The program will run for 3 years. The next round of "retired" street signs will be announced in September. All proceeds from the sale of the sign will go to the Town Scholarship Fund. Selectman Jackson stated the reason for the change in the signs is a Federal mandate that street sign lettering is 4" high and the sign itself are 6". Selectman Gandt added that residents are also required to display their house number on either their mailbox or house and the numbers are to be at least 3" high. If any senior needs assistance in installing house numbers, they should contact the Council on Aging.

Announcements: Chairman McArdle announced that the Board would be going into Executive Session at the end of the meeting to discuss the potential Cell Tower litigation, and the Fire Chief Contract and they would not return to open session.

Selectmen Minutes: Selectman Gandt made a motion to approve the Executive Session minutes of May 7, 2007 and to hold until all issues have been resolved; seconded by Selectman Clark; so voted 5-0. Selectman Gandt made a motion to accept the minutes of May 14, 2007 as amended; seconded by Selectman Carlson, so voted 5-0. Selectman Gandt made a motion to approve the Executive Session minutes of May 14, 2007 and to hold until all issues have been resolved; seconded by Selectman Jackson; so voted 5-0.

NEW BUSINESS:

Town Hall Building Committee resignation: A letter was received from Wade Goldman resigning from the Town Hall Building Committee. Chairman McArdle thanked him. However, it was noted that he had never been sworn in. Therefore, he is not a member of the committee. Chairman McArdle noted that it is an ongoing issue and that if residents are appointed they are to be sworn or they cannot participate in any votes taken by the Committee. The Town Clerk has suggested that appointees must be sworn in within 30 days of the appointment or the appointment be nullified. Selectman Jackson stated that in previous year's letters to the

Board/Commissioners/Committee Chair have been sent out urging their members to go to Town Hall to be sworn in. Ms. Wilder was asked to put a letter together explaining to appointed members their responsibility of being sworn in.

7:43PM Chairman McArdle welcomed Walter Harmer, Chairman of the Conservation Commission to address the Board regarding the request to authorize \$50,000 of gift funds to be used by Essex County Greenbelt, and the State Department of Conservation & Recreation Department in the purchase of 290 Ipswich Rd. Mr. Harmer explained that the funds became available as part of a mitigation package for impacts from the development at 120 High St. Mr. Harmer stated that payment was received with the intent of using it for the purchase of 290 Ipswich Rd. There was much discussion surrounding who owns the property now, the benefit to the Town from the use of Town funds as part of the purchase, and the implications of it being a buildable lot. Concern about outstanding taxes was addressed. Mr. Santomenna said there would be a check available at the closing. Selectman Clark stated his concern regarding the Town spending Town money with no ownership rights. He questioned if Essex County Greenbelt would provide a 1% undivided interest to the Town? Mr. Santomenna said that a mechanism could be put into place to accommodate the Town's ownership interest, possibly an easement to the property be placed on the Deed. Selectman Gandt made a motion to authorize \$50,000 of gift funds to Essex County Greenbelt in the acquisition of 290 Ipswich Rd, further amended by Selectman Clark to add subject an agreement on an ownership interest with public access which would allow access to the property along with possible parking. Also, noted that all documents should be reviewed by Town Counsel prior to closing on property. Mr. Harmer noted that the closing is scheduled for June 29th. Chairman McArdle seconded; so voted 5-0.

OLD BUSINESS:

Conservation Commission Applicants: A letter was received from Robert Quayle of 11 Winsor Lane, expressing an interest in serving on the Commission. Chairman McArdle asked that Mr. Quayle be invited to the next meeting for an interview, which has been common practice for appointments to Commissions/Boards and Committees of the Town.

Appointments: Chairman McArdle asked for the subcommittee's recommendations. Selectman Gandt and Clark could not come to consensus regarding who makes the annual appointments. Discussion followed regarding the issue of defining the Town Administrator's role in the appointment process. It was noted that more discussion was required by the board and that a working session was required. The Town Administrator was asked to coordinate the scheduling of a working session.

NEW BUSINESS:

Weston & Sampson Contract Amendment: Selectman Gandt made a motion to approve Weston & Sampson's Amended agreement for engineering services dated November 11, 2005 relative to peer review of the septic system design for the Topsfield Village Shopping Center with a fee not to exceed \$2,500, Selectman Clark seconded; so voted 5-0.

Reserves Police Officers Contract: A Memorandum of Agreement on the terms and conditions of a proposed contract settlement was presented, Selectman Gandt made a motion to ratify the Memorandum of understanding dated May 17, 2007, seconded by Chairman McArdle, so voted 5-0.

Selectman Liaison to Committees: Chairman McArdle asked if everyone was ok with the list as presented. No issues stated.

Perkins Row Wellfield Cleaning: Selectman Gandt made a motion to enter into a contract with Layne Christensen Company of Dracut, MA for the cleaning of 20 water supply wells at the Perkins Row Pumping Station with a fee not to exceed \$9,050, seconded by Chairman McArdle, so voted 5-0.

Town Administrator's Report: see attached.

- Chairman McArdle made a motion to approve a 10 year standard contract with Massachusetts Highway for Chapter 90 funds together with all attachments, seconded by Selectman Clark, so voted 5-0.

Correspondence & Reports

- Several letters and reports were received:
 - Shed Complaint letter received from Dorothy Burke regarding 5 Ross Rd.
 - Issue Article 97, a letter was received from Conservation Commission directed to the Planning Board requesting language placed in the Open Space property at 120 High St.
 - A letter was received from Moderator Kinhan waiving his \$50.00 salary, Chairman McArdle thanked him.
 - Local adjudicatory Hearing Law memo received from Kopelman & Paige stating eligibility of voting on matters discussed.
 - UMASS Survey requesting participation.
 - Bridge inspection report on Rowley Bridge Street from Mass Highway Department.
 - 4 North Common St Septic System abutter information received.
 - Verizon FiOS TV rate changed information received.
 - TransReport May 2007 received.
 - Metropolitan Planning Organization Election candidate information received.
 - Cable licensing letter received from MA Municipal Association explaining the legislation that Verizon is putting forth to stop franchising in cable and video.
 - City & Town May publication.
 - MMA Action Alert #7.
 - Letter of complaint from Rob Baker regarding 37 Gail St. to the Planning Board.
 - Letter received from Kopleman & Paige clarifying Article 97 in reference to 120 High St Deeded Open Space to the Town.
 - Project notification form letter from Jacobs Edwards and Lelcey to MA Historical Commission requesting if there is any impact historically and archaeological resources to the replacement of structurally deficient bridges on Asbury St and Rowley Bridge Rd.
 - MBTA Advisory Board agenda for May 24, 2007
 - Municipal Partnership Act Advocacy Kit sent from MA Municipal Association.
 - Partnership Grant Funds awarded from the Essex National Heritage Commission to the Town for the development of recreation trail, ceremony is on June 11, 2007 at 8AM at Glen Magna Farm in Danvers.
 - Topsfield Fair Events letter regarding a one day liquor license.

- Letter from Kopleman & Paige amending a statute from 2004 which limits the definition of an independent contractor.
- Conservation Commission: Order of Conditions for Ferncroft Country Club and an Extension of ARAD for 120 High St.
- Library Board of Trustees Minutes of 4/10/07
- Elementary School Committee Minutes of 4/15/07
- Council on Aging Minutes of 4/10/07
- Board of Assessors Minutes of 5/4/07
- Planning Board Minutes of 4/17/07
- Zoning Board Minutes of 4/24/07

Invitations:

- Masconomet Regional High School Commencement Exercises to be on June 8 at 6:30PM.
- Essex County Greenbelt's Art in the Barn 2007 reception on Friday June 15, 2007 from 6-9PM at the Cox Reservation in Essex.

Warrants: The Selectmen signed and approved warrants in the amount of **\$1,614,947.68**. The breakdown is as follows:

Warrant #FY07:	
095T	\$ 71,619.97
095	\$ 213,156.13
096	\$1,330,171.58

Executive Session: At 9:05 PM, Chairman McArdle entertained a motion to go into executive session to discuss the potential Cell Tower litigation and Fire Chief Contract. A yes vote was recorded for Chairman McArdle, Selectmen Gandt, Selectman Clark, Selectman Jackson and Selectman Carlson. The Board would not return to regular session. Virginia Wilder and Donna Rich were present also.

Respectively submitted,

Donna Rich, Secretary
Board of Selectmen's Office

Approved as amended at the June 11, 2007 Board of Selectmen meeting.